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ATTORNEY DOCKET: D1815-00138

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: John F. Porter  
Serial No. 10/696,751

Confirmation No. 7560

Examiner: Maki, Steven D.

Filed: October 29, 2003

Group Art Unit: 1733

For: Methods of Making Smooth Reinforced Cementitious Boards

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: June 30, 2005  
By: Mary La Grange

M.S. Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 C.F.R. 1.137 (b)**

Applicant petitions hereby to revive the above identified application, under 37 C.F.R. 1.137(b),  
the abandonment of which application was unintentional.

This petition is accompanied by:

- (1) A reply to the outstanding Office Action mailed May 17, 2003, with a Petition for a THREE-Month Extension of Time
- (2) A Verified Statement that the entire delay was unintentional
- (3) A Terminal Disclaimer and fee under 37 C.F.R. 1.321
- (4) A new Declaration by the sole inventor

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## (5) An Information Disclosure Statement

The Commissioner is authorized to charge the Petition fee of \$1500.00 to Deposit Account No. 04-1679.

The Commissioner is also authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

June 30, 2005

(Date)

Gerald K. Kita

**Gerald K. Kita**  
Registration No. 24,125

Customer No. 08933  
DUANE MORRIS LLP  
One Liberty Place  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of: John F. Porter  
Serial No. 10/696,751

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: June 30, 2005By: Mary La Grange

M.S. Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**VERIFIED STATEMENT THAT THE ENTIRE DELAY WAS UNINTENTIONAL**

The undersigned attorney, registration no. 24,125, hereby verifies that the entire delay, from the date of August 17, 2004 when a Response was due to the outstanding Office Action mailed May 17, 2004, until the filing of a petition, herein, to revive the above-identified application, was unintentional.

The outstanding Office Action was reported to the Assignee's in-house patent counsel under a cover letter, dated July 9, 2004, from the attorney of record, which letter stated that no action would be taken to respond to the Office Action unless the Assignee provided express instructions to do so. On June 21, 2005, the undersigned spoke with the attorney of record, who has no recollection, and no record, of receiving such instructions from the Assignee.

Further, on June 23, 2005, the undersigned spoke with the Assignee's in-house patent counsel, who has no recollection, and no record, of whether a reply to the cover letter was

communicated to the attorney of record. Further, the lack of a reply would not have been intended to abandon the application.

On or about April 28, 2005, the file for the present, abandoned application was transferred, under the direction of the Assignee's in-house counsel, to the office of the undersigned. The undersigned reviewed the present, abandoned application, and participated in discussions with Assignee's in-house counsel, pertaining to the abandoned application. The undersigned received instructions from the Assignee's in-house patent counsel to file a petition to revive the abandoned application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 101, and that such willful false statements may jeopardize the validity of the application and any patent issued therefrom.

June 30, 2005

Date

Gerald K. Kita

Gerald K. Kita  
Registration No. 24,125

Customer No. 08933  
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PATENT  
TF-8517



ATTORNEY DOCKET: D1815-00138

**DECLARATION**

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**Methods of Making Smooth Reinforced Cementitious Boards**", the specification of which:

[ ] is attached hereto.

[ X ] was filed on **October 29, 2003**, as Application Serial No. **10/696,751**, and was amended on \_\_\_\_\_. (If applicable.)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

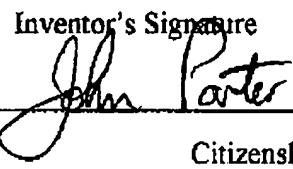
<u>Country</u>	<u>Number</u>	<u>Date Filed</u>	<u>Priority Claimed ?</u>
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**PATENT  
TF-8517****ATTORNEY DOCKET: D1815-00138**

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application</u>	<u>Patented or</u>
<u>Serial No.</u>	<u>Pending ?</u>

*I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.*

1	Full Name <u>John F. Porter</u>	Inventor's Signature 	Date <u>June 30/05</u>
	Residence <u>12 Sarah Court, St. Catharines, Ontario, L2S 3R6, Canada</u>	Citizenship: Canadian	
	Post Office Address: Same as above		